

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO  
The Honorable A. Bruce Campbell**

In re: DENNIS LYNN ANDERSON	)	CASE NO. 03-24723 ABC
SSN: XXX-XX-1028	)	CHAPTER 13
JUSTINA ALYCE ANDERSON	)	
SSN: XXX-XX-9064	)	

**ORDER DENYING MOTION TO VOID LIEN  
AND  
ORDER FOR COMPLIANCE WITH MARCH 29,2004 ORDER**

This matter arises upon the Debtors' failure to respond to an Order of the Court which issued on March 29, 2004 and upon the Debtors' submission of a certificate of non-contested matter seeking to obtain an order voiding the lien of a creditor, Beneficial Mortgage Company ("Beneficial"). On March 29, 2004, this Court issued an Order Denying Debtors' Motion to Confirm ("Order"). The Debtors sought in their Chapter 13 plan to strip down the lien of Beneficial secured only by their residence contrary to the holding of *Nobelman v. American Savings Bank, et al.*, 508 U.S. 324, 113 S.Ct. 2106 (1993).

The Order: (1) denied confirmation on that basis; (2) expressly noted that the Debtors' intention to avoid the lien of Beneficial by a motion separate and apart from the Chapter 13 plan and motion to confirm that plan was unnecessary in light of the language of section 506(a) which contemplates such valuation taking place in the context of a confirmation hearing; and (3) ordered the Debtors to file within twenty days of the Order an amended plan which provided for the claim of Beneficial. Notwithstanding the Order, the Debtors continued to prosecute a separate motion to void the lien of Beneficial and never responded to the Order. Accordingly, it is

ORDERED that the Debtors' Motion to Void the Lien of Beneficial is DENIED for the reasons stated in this Court's March 29, 2004 Order; and it is

FURTHER ORDERED that Debtors are afforded an additional fifteen (15) days within which to comply with the March 29, 2004 Order, failing which the Debtors' case will be dismissed without further notice or a hearing.

DATED:

BY THE COURT:

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A. Bruce Campbell, Judge